

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

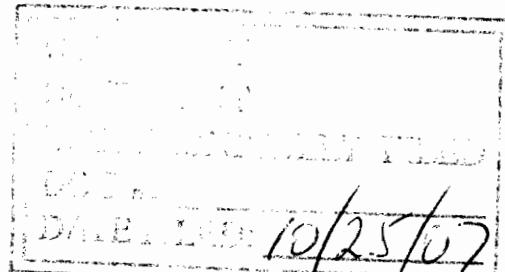
NEPHTY CRUZ, ET AL

Plaintiff(s),

-against-

TME BUILDING MAINTENANCE, INC.

Defendant(s).



(Judge Gerard E. Lynch)

07 Civ. 6743 (GEL)

After consultation with counsel for all parties, the following Case Management Plan is adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure. Defendants consider as breach of contract case, not ERISA. Defendants submitted jury demands.

1. The case is / is not to be tried by a jury. Scheduling of pre-trial practice should be arranged with a view to having the case ready for trial within approximately six months of the initial pre-trial conference.
2. Joinder of additional parties must be accomplished by March 10, 2008.
3. Amended pleadings may be filed until March 10, 2008.
4. All fact discovery is to be completed by February 25, 2008. Interim deadlines set below may be extended by the parties on consent without application to the Court, provided the parties can still meet the discovery completion date ordered by the Court, which shall not be adjourned except upon a showing of extraordinary circumstances.
 - A. First request for production of documents, if any, to be served by Nov. 12, 2007
 - B. Interrogatories pursuant to Local Rule 33.3(a) of the Civil Rules of the Southern District of New York to be served by Nov. 5, 2007. No other interrogatories are permitted except upon prior express permission of the Court.
 - C. Depositions to be completed by Feb. 25, 2008
 - i. Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.

- ii. Depositions shall proceed concurrently.
- iii. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.
- iv. No depositions shall be extended beyond two business days without prior leave of the Court.

D. Experts, if any, are to be designated by Feb. 25, 2008, and experts' reports exchanged no later than Mar. 25, 2008. Experts may be deposed, but such depositions must occur within the time limit set forth for all depositions set forth above.

E. Requests to Admit, if any, are to be served no later than Mar. 25, 2008.

5. Dispositive motions are to be served and filed by Mar. 25, 2008. Answering papers are to be served and filed by Apr. 25, 2008. Reply papers are to be served and filed by May 9, 2008.

All motions and applications shall be governed by the Court's Individual Practice Rules, which are available on the Internet at <http://www.nysd.uscourts.gov>. Note that under those rules, two courtesy copies of all motion papers are to be provided to chambers by the movant at the time the reply is filed. It is the responsibility of the movant to make sure that copies of all parties' papers are provided at that time.

Any party may request oral argument by letter at the time reply papers are filed. Whether or not requested, the Court will determine whether and when oral argument is to be held.

6. The joint pretrial order shall be filed no later than 30 days after completion of discovery, or after the final decision of any dispositive motion, whichever is later, unless a different date is set by order of the Court. The requirements for the pre-trial order and other pre-trial submissions shall be governed by the Court's Individual Practice Rules.

7. Counsel consent to trial by a U.S. Magistrate Judge.

Yes _____ No _____

NEXT CASE MANAGEMENT CONFERENCE Jan. 7, 2008 at 10:00 a.m.
(To be completed by the Court)

Dated:

New York, New York

Oct. 25, 2007

SO ORDERED:

Gerard E. Lynch
GERARD E. LYNCH
United States District Judge